| 1 2 3 | GIBSON, DUNN & CRUTCHER LLP FREDERICK BROWN, SBN 65316 (fbrown@gib JAYESH HINES-SHAH SBN 214256 (jhinesshah) One Montgomery Street Suite 3100 | |
|-------------------------------------|--|---|
| 4 | San Francisco, California 94104 Telephone: (415) 393-8200 Facsimile: (415) 986-5309 | |
| 5 6 | Attorneys for Plaintiff ADVANTAGE SALES & MARKETING INC. | |
| 7 8 9 10 11 12 13 | MORGENSTEIN & JUBELIRER LLP BRUCE A. WAGMAN, SBN 159987 (baw@mjllp One Market, Spear Street Tower, 32nd Floor San Francisco, CA 94105 Telephone: (415) 901-8700 Facsimile: (415) 901-8701 LOWENSTEIN SANDLER PC DAVID L. HARRIS (admitted pro hac vice) 65 Livingston Avenue Roseland, New Jersey 07068 Telephone: (973) 597-2500 Facsimile: (973) 597-2403 | o.com) |
| 14 15 | Attorneys for Defendant FEROLIE CORPORATION | |
| 16 | UNITED STATES | DISTRICT COURT |
| 17 | FOR THE NORTHERN DI | STRICT OF CALIFORNIA |
| 18 | SAN FRANCIS | SCO DIVISION |
| 19 | | |
| 20 | ADVANTAGE SALES & MARKETING INC., | Case No. C 04-1896 VRW (Related Case: C 03-5092 VRW) |
| 21 | Plaintiff, | STIPULATION FOR DISMISSAL AND |
| 22 | V. | [PROPOSED] ORDER THEREON |
| 23 | FEROLIE CORPORATION, | |
| 24 | Defendant. | |
| 25 | | |
| 26 27 | | |
| 28 | | |

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|-------|--|--|
| 1 | STIPULATION | |
| 2 | IT IS HEREBY STIPULATED by and between plaintiff Advantage Sales & Marketing Inc. | |
| 3 | ("ASM Inc.") and defendant Ferolie Corporation, and pursuant to Rule 41(a)(1)(ii) of the Federal | |
| 4 | Rules of Civil Procedure, that: | |
| 5 | 1. Plaintiff ASM Inc. shall dismiss its complaint in the above action in its entirety, with | |
| 6 | prejudice; and, | |
| 7 | 2. Each party shall bear its own costs and fees in connection with this action. | |
| 8 | | |
| 9 | IT IS SO STIPULATED: | |
| 10 | 7 | |
| 11 | Dated: June 2 2006 GIBSON, DUNN & CRUTCHER LLP | |
| 12 | FREDERICK BROWN SBN 65316 | |
| 13 | Attorneys for Plaintiff ADVANTAGE SALES & MARKETING INC. | |
| 14 | Dated: <u>June</u> , 2006 | |
| 15 | MORGENSTEIN & JUBELIRER LLP BRUCE A. WAGMAN, SBN 159987 | |
| 16 | LOWENSTEIN SANDLER PC | |
| 17 | DAVID L. HARRIS (admitted pro hac vice) | |
| 18 | Attorneys for Defendant FEROLIE CORPORATION | |
| 19 | | |
| 20 | ORDER | |
| 21 | PURSUANT TO STIPULATION, IT IS SO ORDERED: | |
| 22 | | |
| 23 | DATED: | |
| 24 | Honorable Vaughn R. Walker | |
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| 27 | 100013430_1.DOC | |
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| Nun & | | |

Gibson, Dunn & Crutcher LLP

STIPULATION

IT IS HEREBY STIPULATED by and between plaintiff Advantage Sales & Marketing Inc. ("ASM Inc.") and defendant Ferolie Corporation, and pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, that:

- 1. Plaintiff ASM Inc. shall dismiss its complaint in the above action in its entirety, with prejudice; and,
 - 2. Each party shall bear its own costs and fees in connection with this action.

IT IS SO STIPULATED:

Dated: June , 2006

GIBSON, DUNN & CRUTCHER LLP FREDERICK BROWN SBN 65316

Attorneys for Plaintiff ADVANTAGE SALES & MARKETING INC.

Dated: <u>June 8, 2006</u>

MORGENSTEIN & JUBELIRER LLP BRUCE A. WAGMAN, SBN 159987

LOWENSTEIN SANDLER PC DAVID L. HARRIS (admitted *pro hac vice*)

Attorneys for Defendant FEROLIE CORPORATION

ORDER

PURSUANT TO STIPULATION, IT IS SO

DATED: __June 9, 2006

IT IS SO ORDERED

Judge Vaughn R Walker

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| 1 | <u>STIPULATION</u> | |
|----|--|--|
| 2 | IT IS HEREBY STIPULATED by and between plaintiff Advantage Sales & Marketing Inc. | |
| 3 | ("ASM Inc.") and defendant Ferolie Corporation, and pursuant to Rule 41(a)(1)(ii) of the Federal | |
| 4 | Rules of Civil Procedure, that: | |
| 5 | 1. Plaintiff ASM Inc. shall dismiss its complaint in the above action in its entirety, with | |
| 6 | prejudice; and, | |
| 7 | 2. Each party shall bear its own costs and fees in connection with this action. | |
| 8 | | |
| 9 | IT IS SO STIPULATED: | |
| 10 | Data da Jana 2006 | |
| 11 | Dated: June , 2006 GIBSON, DUNN & CRUTCHER LLP EDEDERICK PROWN SPIN 65216 | |
| 12 | FREDERICK BROWN SBN 65316 | |
| 13 | Attorneys for Plaintiff ADVANTAGE SALES & MARKETING INC. | |
| 14 | Dated: June , 2006 | |
| 15 | MORGENSTEIN & JUBELIRER LLP BRUCE A. WAGMAN, SBN 159987 | |
| 16 | LOWENSTEIN SANDLER PC | |
| 17 | DAVID L. HARRIS (admitted <i>pro hac vice</i>) | |
| 18 | Attorneys for Defendant FEROLIE CORPORATION | |
| 19 | | |
| 20 | <u>ORDER</u> | |
| 21 | PURSUANT TO STIPULATION, IT IS SO ORDERED: | |
| 22 | | |
| 23 | DATED: | |
| 24 | Honorable Vaughn R. Walker | |
| 25 | | |
| 26 | 100015450_1.DOC | |
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